



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

MAR 16 2004

400 Seventh St., S.W.
Washington, D.C. 20590

Ms. Kathy McKenzie
Safety & Compliance Director
Western International Gas & Cylinder
P.O. Box 668, 7173 Hwy 159E
Bellville, TX 77418

Ref. No. 04-0041

Dear Ms. McKenzie:

This is in response to your February 25, 2004 letter regarding the marking requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether cylinders marked with an expired exemption number are allowed to be tested, filled and transported.

The answer is yes. The prohibited marking requirements, in 49 CFR 172.303, do not require removal or obliteration of the exemption number from the packaging, even when the packaging is not being used under the terms of the exemption. However, in order to minimize confusion or frustration of the shipment, you may wish to cover or obliterate the exemption number marking when the packaging is not being used under the terms of the exemption.

I hope this information is helpful. If you have additional questions, please do not hesitate to contact this office.

Sincerely,

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards



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172.303



WESTERN INTERNATIONAL GAS & CYLINDERS, INC.

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Be Hs
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Cylinders
04-0041

04 MAR -3 AM 11:05

DOT/RSPA/OMMS
UNIT

February 25, 2004

Ryan Posten

US DOT

Office of Hazardous Material Exemptions & Approvals

400 7th Street, S.W.

Washington, DC 20590

Dear Mr. Posten;

In commerce of cylinders, that are in the United States, there are many that have exemption numbers stamped on them that are no longer applicable.

These exemptions do not pertain to the composition of the cylinders in any way. For example 3A & 3AA cylinder exemption 6657 was for cylinders 35 years & older to receive a ten year test versus a five year. This is now covered in the CFR 49 180.209 1 (b) (i).

The CFR now states what you have to do for a ten year test and what date range it has to be in. Can the cylinders that have these irrelevant exemptions stamped into them, that is no longer applicable and has expired, be tested, filled and transported with the exemption still stamped on the cylinder? Or can the irrelevant exemption number be stamped out as long as they comply with the stated laws?

These exemptions are usually expired exemptions due to the regulations being covered under the CFR or cylinders that have been sold to others that were not even a party to the expired exemption.

Please advise in writing at your earliest convenience.

Respectfully Submitted,

Kathy McKenzie

Kathy McKenzie

Safety & Compliance Director